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IN THE UNITED STATES DISTRICT COURT
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 2
            FOR THE NORTHERN DISTRICT OF OHIO
 3
                     EASTERN DIVISION
 4
 5
     IN RE NATIONAL PRESCRIPTION | Case No. 17-MD-2804
 6
     OPIATE LITIGATION
                                  Hon. Dan A. Polster
    APPLIES TO ALL CASES
 8
 9
10
               Thursday, November 15, 2018
11
12
          HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
13
                  CONFIDENTIALITY REVIEW
14
15
16
17
          Videotaped deposition of JEFF ABERNATHY,
18
    held at the offices of Mitchell Williams,
     4206 South J.B. Hunt Drive, Suite 200, Rogers,
    Arkansas, commencing at 9:37 a.m., on the above
     date, before Susan D. Wasilewski, Registered
     Professional Reporter, Certified Realtime
20
     Reporter and Certified Realtime Captioner.
21
22
23
24
                GOLKOW LITIGATION SERVICES
           877.370.3377 ph | 917.591.5672 fax
25
                     deps@golkow.com
```

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1 APPEARANCES: 2 CARELLA BYRNE CECCHI OLSTEIN BRODY & AGNELLO	1 INDEX
BY: ZACHARY S. BOWER, ESQUIRE MICHAEL A. INNES, ESQUIRE	3
5 Becker Farm Road	4 Testimony of: JEFF ABERNATHY Page 5 DIRECT EXAMINATION BY MR. BOWER
(973) 994-1700	6 CROSS-EXAMINATION BY MR. MAZZA 275
5 zbower@carellabyrne.com minnes@carellabyrne.com	7 REDIRECT EXAMINATION BY MR. BOWER 27
6 Representing Plaintiffs 7	EXHIBITS
JONES DAY	9 (Attached to transcript)
4655 Executive Drive, Suite 1500	(Attached to transcript)
9 San Diego, California 92121 (858) 314-1200	JEFF ABERNATHY DEPOSITION EXHIBITS PAGE
0 pmazza@jonesday.com Representing Walmart	Walmart- 07-6045 Pharmacy Logistics 21
1 2 JONES DAY	12 Abernathy Organizational Chart
BY: SCOTT B. ELMER, ESQUIRE	Exhibit 1 WMT_MDL_000012771
3 77 West Wacker Chicago, Illinois 60601	Walmart- Pharmacy Distribution 37
4 (312) 782-3939 selmer@jonesday.com	14 Abernathy WMT_MDL_000012752 Exhibit 2 Health & Wellness Distribution
5 Representing Walmart 6	15 WMT_MDL_000012737
PELINI CAMPBELL & WILLIAMS LLC	16 Walmart- E-mail - Subject: CII Limits 48 Abernathy WMT MDL 000009319 and 9320
7 BY: CRAIG M. EOFF, ESQUIRE 8040 Cleveland Avenue NW, Suite 400	17 Exhibit 3
8 North Canton, Ohio 44720 (330) 305-6400	18 Walmart- E-mail - Subject: CII Ordering 63 Abernathy 07/23/12
9 ccoff@pelini-law.com Representing Prescription Supply Inc.	19 Exhibit 4 WMT MDL 000009321 through 9323
0	20 Walmart- E-mail - Subject: Over 20 Report 76 Abernathy 2.12.13
1 BARBER LAW FIRM BY: M. EVAN STALLINGS, ESQUIRE	21 Exhibit 5 WMT MDL 000009423 and 9424
2 425 West Capitol Avenue, Suite 3400 Little Rock, Arkansas 72201	22 Walmart- E-mail - Subject: Over 20 Report 82 Abernathy 7.3.13
3 (501) 372-6175 estallings@barberlawfirm.com	23 Exhibit 6 WMT_MDL_000009987 through 9989
4 Representing Cardinal Health	24 25
Page 3	Page
1 APPEARANCES VIA TELEPHONE AND STREAM:	1 EXHIBITS
2 REED SMITH LLP	2 (Attached to transcript) 3 JEFF ABERNATHY DEPOSITION EXHIBITS PAGE
BY: ABIGAIL PIERCE, ESQUIRE 3 1717 Arch Street, Suite 3100	4
Philadelphia, Pennsylvania 19103 4 (215) 241-7909	Walmart- E-mail - Subject: Meeting Notes - 90 5 Abernathy Please Review
Abigail.pierce@reedsmith.com Representing AmerisourceBergen Drug Corporation	Exhibit 7 WMT_MDL_000009872 through 9875
MARCUS & SHAPIRA LLP	Walmart- E-mail - Subject: Agenda 104
7 BY: DARLENE NOWAK, ESQUIRE	7 Abernathy WMT_MDL_000009838 through 9840 Exhibit 8
One Oxford Centre, 35th Floor Pittsburgh, Pennsylvania 15219	Zimion 0
(410) 471 3400 :	8
(412) 471-3490	8 Walmart- E-mail - Subject: Reddwerks Order 112 9 Abernathy Alerts
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company	8 Walmart- E-mail - Subject: Reddwerks Order 112
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP	Walmart- E-mail - Subject: Reddwerks Order 112 9 Abernathy Alerts Exhibit 9 WMT_MDL_000017565 through 17569 10 Walmart- E-mail - Subject: Over 20 Report 117
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000	8 Walmart- E-mail - Subject: Reddwerks Order 112 9 Abernathy Alerts Exhibit 9 WMT_MDL_000017565 through 17569 10 Walmart- E-mail - Subject: Over 20 Report 117 Abernathy 4.3.14 Exhibit 10 WMT_MDL_000009397 and 9398
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000	8 Walmart- E-mail - Subject: Reddwerks Order 112 9 Abernathy Alerts Exhibit 9 WMT_MDL_000017565 through 17569 10 Walmart- E-mail - Subject: Over 20 Report 117 11 Abernathy 4.3.14 Exhibit 10 WMT_MDL_000009397 and 9398 12 Walmart- E-mail - Subject: Over 20 Report 123
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com	8 Walmart- E-mail - Subject: Reddwerks Order 112 9 Abernathy Alerts Exhibit 9 WMT_MDL_000017565 through 17569 10 Walmart- E-mail - Subject: Over 20 Report 117 11 Abernathy 4.3.14 Exhibit 10 WMT_MDL_000009397 and 9398 12 Walmart- E-mail - Subject: Over 20 Report 123 13 Abernathy 8.14.14
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid	8 Walmart- E-mail - Subject: Reddwerks Order 112 9 Abernathy Alerts Exhibit 9 WMT_MDL_000017565 through 17569 10
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid ROPES & GRAY LLP BY: TORRYN TAYLOR, ESQUIRE	8 Walmart- E-mail - Subject: Reddwerks Order 112 9 Abernathy E-mail - Subject: Reddwerks Order 112 10 Walmart- E-mail - Subject: Over 20 Report 117 11 Abernathy 4.3.14 Exhibit 10 WMT_MDL_000009397 and 9398 12 Walmart- E-mail - Subject: Over 20 Report 123 13 Abernathy E-mail - Subject: Over 20 Report 123 14 WMT_MDL_000009393 and 9394 14 Walmart- E-mail - Subject: Policy to be 129 15 Abernathy Covered in Today's Call
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid ROPES & GRAY LLP BY: TORRYN TAYLOR, ESQUIRE Three Embarcadero Center San Francisco, California 94111	8 Walmart- E-mail - Subject: Reddwerks Order 112 9 Abernathy Alerts Exhibit 9 WMT_MDL_000017565 through 17569 10
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid ROPES & GRAY LLP BY: TORRYN TAYLOR, ESQUIRE Three Embarcadero Center San Francisco, California 94111 (415) 315-6300 torryn.taylor@ropesgray.com	8
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid ROPES & GRAY LLP BY: TORRYN TAYLOR, ESQUIRE Three Embarcadero Center San Francisco, California 94111 (415) 315-6300 torryn.taylor@ropesgray.com Representing Mallinckrodt	8
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid ROPES & GRAY LLP BY: TORRYN TAYLOR, ESQUIRE Three Embarcadero Center San Francisco, California 94111 (415) 315-6300 torryn.taylor@ropesgray.com Representing Mallinckrodt BARTLIT BECK LLP	8
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid ROPES & GRAY LLP BY: TORRYN TAYLOR, ESQUIRE Three Embarcadero Center San Francisco, California 94111 (415) 315-6300 torryn.taylor@ropesgray.com Representing Mallinckrodt BARTLIT BECK LLP BY: ALEX HARRIS, ESQUIRE 1801 Wewatta Street, Suite 1200	8
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid ROPES & GRAY LLP BY: TORRYN TAYLOR, ESQUIRE Three Embarcadero Center San Francisco, California 94111 (415) 315-6300 torryn.taylor@ropesgray.com Representing Mallinckrodt BARTLIT BECK LLP BY: ALEX HARRIS, ESQUIRE 1801 Wewatta Street, Suite 1200 Denver, Colorado 80202 2 (303) 592-3100	Walmart-
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid ROPES & GRAY LLP BY: TORRYN TAYLOR, ESQUIRE Three Embarcadero Center San Francisco, California 94111 (415) 315-6300 torryn.taylor@ropesgray.com Representing Mallinckrodt BARTLIT BECK LLP BY: ALEX HARRIS, ESQUIRE 1801 Wewatta Street, Suite 1200 Denver, Colorado 80202 (303) 592-3100 alex harris@bartlit-beck com	8
(412) 471-3490 nowak@marcus-shapira.com Representing HBC Service Company MORGAN, LEWIS & BOCKIUS LLP BY: JAMES A. NORTEY, II, ESQUIRE 1000 Louisiana Street, Suite 4000 Houston, Texas 77002-5005 (713) 890-5000 james.nortey@morganlewis.com Representing Rite Aid ROPES & GRAY LLP BY: TORRYN TAYLOR, ESQUIRE Three Embarcadero Center San Francisco, California 94111 (415) 315-6300 torryn.taylor@ropesgray.com Representing Mallinckrodt BARTLIT BECK LLP BY: ALEX HARRIS, ESQUIRE 1801 Wewatta Street, Suite 1200 Denver, Colorado 80202 2 (303) 592-3100	8

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1 EXHIBITS	1 age
2 (Attached to transcript)	
3 JEFF ABERNATHY DEPOSITION EXHIBITS PAGE	THE VIDEOGRAPHER: We are now on the record
4 Walmart- E-mail - Subject: Quantity Cuts 181	3 My name is Dan Lawlor. I'm a videographer with
Abernathy WMT_MDL_000009277 5 Exhibit 17	4 Golkow Litigation Services. Today's date is
6 Walmart- E-mail - Subject: 405 report DC 185	5 November 15th, 2018, and the time is 9:37 a.m.
Abernathy 6045- Sept.	6 This video deposition is being held in
7 Exhibit 18 WMT_MDL_000042782 and 42783	7 Rogers, Arkansas, in the matter of
8 Walmart- E-mail - Subject: SOM web forms 188 Abernathy WMT MDL 000016313	
9 Exhibit 19	8 National Prescription Opiate Litigation MDL
10 Walmart- E-mail - Subject: Over 20 Report 203	9 Number 2804.
Abernathy WMT_MDL_000030175 through 30177	The deponent today is Jeff Abernathy. The
11 Exhibit 20	counsel will be noted on the stenographic record.
12 Walmart- E-mail - Subject: Over 20 Report 203 Abernathy WMT_MDL_000030184 through 30186	The court reporter is Susan Wasilewski and
13 Exhibit 21	will now swear in the witness.
14 Walmart- Health & Wellness POM Alerts Guide 212	
Abernathy 3/31/2016	THE COURT REPORTER: Sir, would you raise
15 Exhibit 22 WMT_MDL_000034340 16 Walmart- E-mail - Subject: Oxy List Update 234	15 your right hand?
Abernathy WMT MDL 000008070 and 8071	Do you solemnly swear or affirm the
17 Exhibit 23	testimony you're about to give will be the truth,
18 Walmart- E-mail - Subject: H&W Weekly Update 254	the whole truth, and nothing but the truth?
Abernathy Week 2 19 Exhibit 24 WMT MDL 000001004 and 1005	19 THE WITNESS: Yes.
20 Walmart- E-mail - Subject: MCKESSON AGREES 243	
Abernathy TO PAY RECORD \$150 MILLION	20 THE COURT REPORTER: Thank you.
21 Exhibit 25 SETTLEMENT FOR FAILURE TO REPORT	21 JEFF ABERNATHY, called as a witness by the
SUSPICIOUS ORDERS OF PHARMACEUTICAL	22 Plaintiffs, having been duly sworn, testified as
DRUGS WMT_MDL_000002729 through 2731	23 follows:
23	24 DIRECT EXAMINATION
24	25 BY MR. BOWER:
25	BI MR. BOWER.
Page 7	Page
1 EXHIBITS	Q. Good morning, Mr. Abernathy. How are you
2 (Attached to transcript)	² today?
3 JEFF ABERNATHY DEPOSITION EXHIBITS PAGE	3 A. Good.
4	
Walmart- E-mail - Subject: Control Flow 247	4 Q. Thank you for being here. We appreciate it.
5 Abernathy WMT_MDL_000034546 and 34547	5 A. Thank you.
Exhibit 26	6 Q. Have you ever been deposed before?
Walmart- Drug Diversion Review Documents 261	7 A. No, sir.
7 Abernathy WMT MDL 000045963 through 46007	8 Q. No, sir. So just before we get started,
Exhibit 27	
8	9 let me go over a few important rules. I think the
	_
Walmart- Walmart Inc.'s Amended and 257	10 most important of which is make sure you understand
	_
Walmart- Walmart Inc.'s Amended and 257 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set	10 most important of which is make sure you understan
Walmart- Walmart Inc.'s Amended and 257 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set of Interrogatories to Wal-Mart Inc.	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question,
Walmart- Walmart Inc.'s Amended and 257 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- E-mail - Subject: WV call follow up 269	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you
Walmart- Walmart Inc.'s Amended and 257 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- E-mail - Subject: WV call follow up 269 Abernathy WMT_MDL_000011626 through 11629	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it.
Walmart- Walmart Inc.'s Amended and 257 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- E-mail - Subject: WV call follow up 269 Abernathy WMT_MDL_000011626 through 11629 12 Exhibit 29	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that?
Walmart- 9 Abernathy Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- Abernathy WMT_MDL_000011626 through 11629 12 Exhibit 29	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it.
Walmart- 9 Abernathy Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- Abernathy WMT_MDL_000011626 through 11629 12 Exhibit 29	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that?
Walmart- 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- Abernathy WMT_MDL_000011626 through 11629 12 Exhibit 29 13 14	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that? A. Yes. Q. And if you don't ask me, if you don't let me
Walmart- 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- Abernathy E-mail - Subject: WV call follow up 269 WMT_MDL_000011626 through 11629 12 Exhibit 29 13 14 15 16	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that? A. Yes. Q. And if you don't ask me, if you don't let me know, I'll expect that you do understand the
Walmart- 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- Abernathy WMT_MDL_000011626 through 11629 12 Exhibit 29 13 14 15 16 17	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that? A. Yes. Q. And if you don't ask me, if you don't let me know, I'll expect that you do understand the question.
Walmart- 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- Abernathy WMT_MDL_000011626 through 11629 12 Exhibit 29 13 14 15 16 17 18	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that? A. Yes. Q. And if you don't ask me, if you don't let me know, I'll expect that you do understand the question. A. Okay.
Walmart- Walmart Inc.'s Amended and 257 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- E-mail - Subject: WV call follow up 269 Abernathy WMT_MDL_000011626 through 11629 12 Exhibit 29 13 14 15 16 17 18 19	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that? A. Yes. Q. And if you don't ask me, if you don't let me know, I'll expect that you do understand the question.
Walmart- 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- Abernathy WMT_MDL_000011626 through 11629 12 Exhibit 29 13 14 15 16 17 18 19 20	most important of which is make sure you understan my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that? A. Yes. Q. And if you don't ask me, if you don't let me know, I'll expect that you do understand the question. A. Okay. Q. Okay? And perhaps the most other important
Walmart- Walmart Inc.'s Amended and 257 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- E-mail - Subject: WV call follow up 269 Abernathy WMT_MDL_000011626 through 11629 12 Exhibit 29 13 14 15 16 17 18 19 20 21	most important of which is make sure you understand my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that? A. Yes. Q. And if you don't ask me, if you don't let me know, I'll expect that you do understand the question. A. Okay. Q. Okay? And perhaps the most other important rule is that you do not answer with a shaking your
Walmart- Walmart Inc.'s Amended and 257 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set of Interrogatories to Wal-Mart Inc. Walmart- Abernathy E-mail - Subject: WV call follow up 269 WMT_MDL_000011626 through 11629 Exhibit 29 KMT_MDL_000011626 through 11629 WMT_MDL_000011626 through 11629	most important of which is make sure you understand my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that? A. Yes. Q. And if you don't ask me, if you don't let me know, I'll expect that you do understand the question. A. Okay. Q. Okay? And perhaps the most other important rule is that you do not answer with a shaking your head or a nod. You must answer verbally yes or no.
Walmart- Walmart Inc.'s Amended and 257 9 Abernathy Supplemental Objections and Exhibit 28 Responses to Plaintiffs' First Set 10 of Interrogatories to Wal-Mart Inc. 11 Walmart- E-mail - Subject: WV call follow up 269	most important of which is make sure you understand my questions. So I would ask that at any point during the day you don't understand the question, will you let me know and I'll try to rephrase so you understand it. Do you understand that? A. Yes. Q. And if you don't ask me, if you don't let me know, I'll expect that you do understand the question. A. Okay. Q. Okay? And perhaps the most other important rule is that you do not answer with a shaking your

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Page 10

- 1 MR. MAZZA: Mr. Bower, can I ask, are we --
- 2 are we going to enter our appearances on the
- 3 record?
- 4 THE COURT REPORTER: They'll be noted on the
- 5 stenographic record.
- MR. MAZZA: Okay. Thanks. 6
- 7 BY MR. BOWER:
- Q. Mr. Abernathy, you understand you're under
- oath today, correct? 9
- 10 A. Yes, sir.
- 11 Q. Okay. Are you taking any medication or is
- there any other reason that would interfere with 12
- your ability to testify truthfully today?
- 14 A. No.
- 15 Q. Okay. Have you ever testified in any other
- type of legal proceeding other than a deposition?
- 17
- 18 Q. How did you prepare for today's deposition?
- 19 A. I met with some Walmart legal people and
- some outside counsel this week. 20
- 21 Q. Who did you meet with at Walmart?
- A. Paul was there. There were some other --22
- 23 other guys that came in and out. I don't -- I don't
- know who they were.
- 25 Q. Okay. Approximately how many people did you

- there is a dispute about that, and you've been in
- 2 communication with Ms. Fulmerton from our office.
- 3 But I can represent that all the documents that
- 4 Mr. Abernathy reviewed have been produced.
- 5 MR. BOWER: Okay.
- BY MR. BOWER: 6
- Q. And when did you meet with outside counsel?
- A. During the same time.
- Q. Same time. Was outside counsel present for
- 10 all those meetings?
- 11 A. Yes, sir.
 - Q. Other than the attorneys that sit here
- 13 today, any other outside counsel that was present?
- 14 A. There were some other outside counsel that,
- 15 like I said, they came in and out as well.
- Q. Okay. So the folks who came out -- in and
- out were outside counsel or Walmart counsel? 17
- 18 A. They were both.
- 19 Q. Okay. Do you know the names of any of those
- 20 folks?
- 21 A. One of them, her name was Tina.
- Q. Okay. Any other names you recall? 22
- 23 A. No, sir.
- Q. Can you briefly describe for us your
- education post high school?

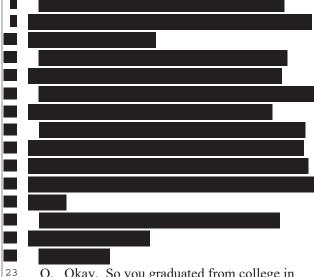
Page 11

- meet with?
- 2 A. There was probably five or six people in
- there, most of the day.
- Q. Okay. Were they all attorneys, do you know?
- 5 A. I believe they were.
- 6 Q. Do you know whether they were or not?
- 7 A. I don't know that they were. I -- I just --
- I assumed they were. They were counsel, is what
- 9 they said, so --
- 10 Q. About how long did you meet with them?
- 11 A. We met about probably six hours on Tuesday
- 12 and about the same amount of time on Wednesday.
- Q. Did you review any documents during these
- 14 meetings?
- 15 A. I saw a few documents.
- 16 Q. Did any of those documents refresh your
- recollection for today's testimony? 17
- 18
- 19 Q. Do you know whether all of those documents
- have been produced in this litigation?
- 21 A. I don't know.
- 22 Q. Do you understand that to the extent that
- 23 those documents were not produced, you should have
- 24 brought them with you here today?
- 25 MR. MAZZA: I object. I understand that

A. I have a bachelor's degree in finance from

Page 13

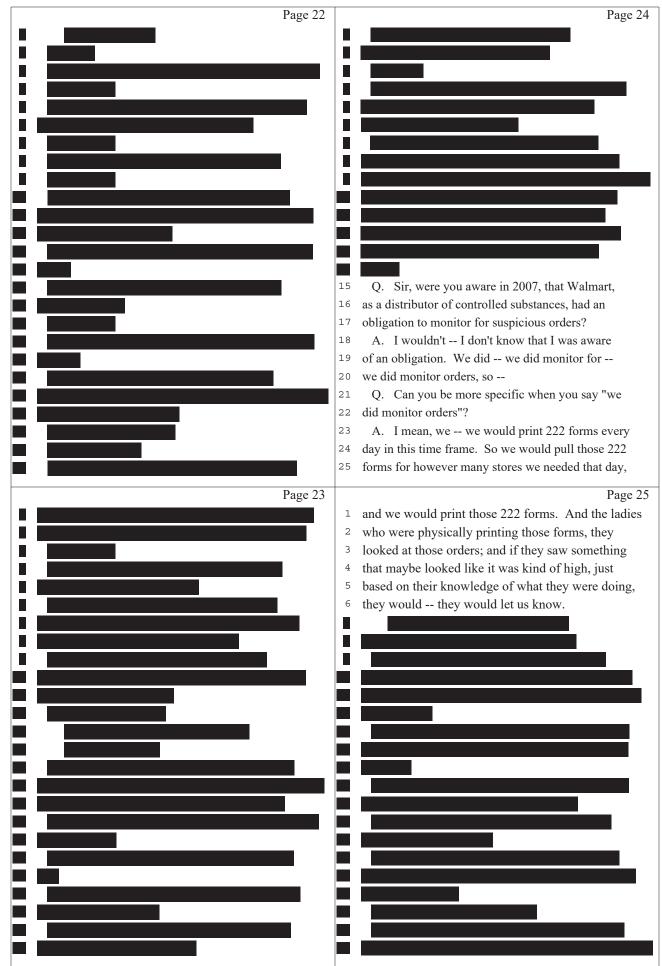
- the University of Louisiana at Monroe.
- Q. What year did you graduate?
- A. 1997.
- Q. Since 1997, have you received any other
- educational -- formal educational training?
 - A. No.



- Q. Okay. So you graduated from college in
- 24 1997, correct?
- 25 A. Yes, sir.





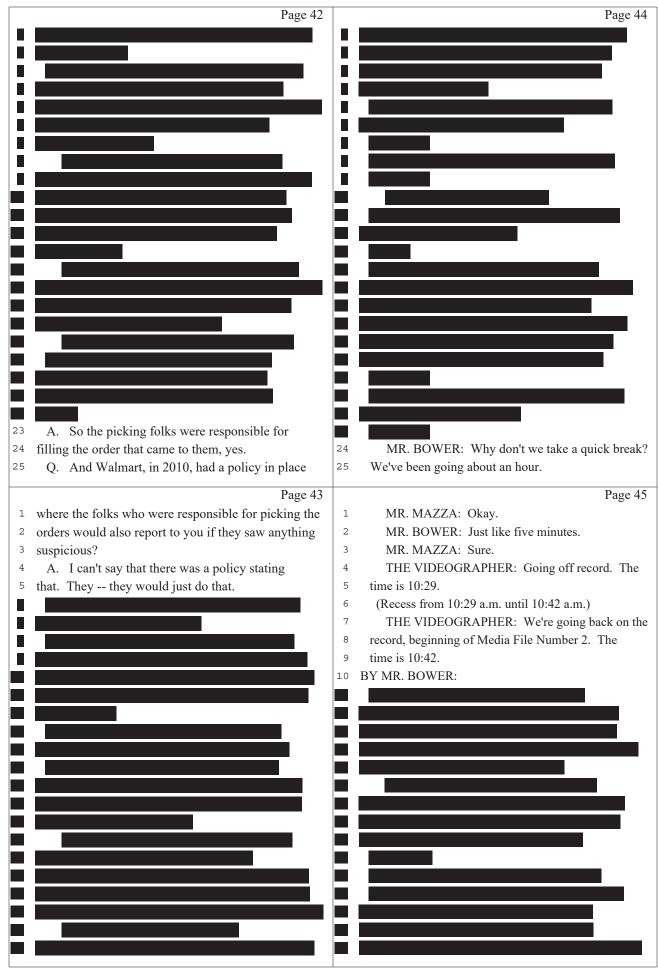








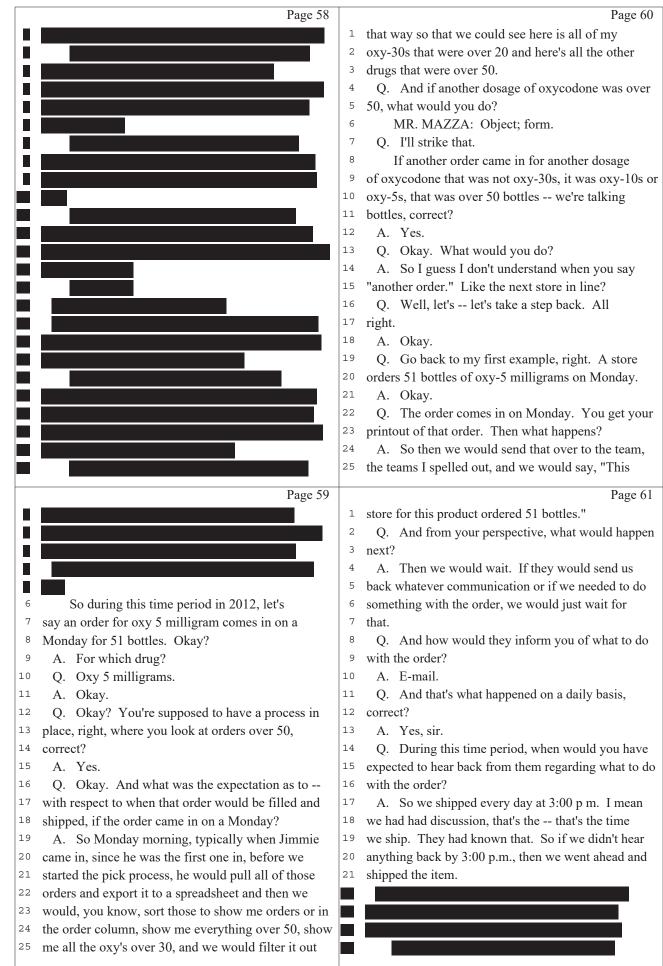


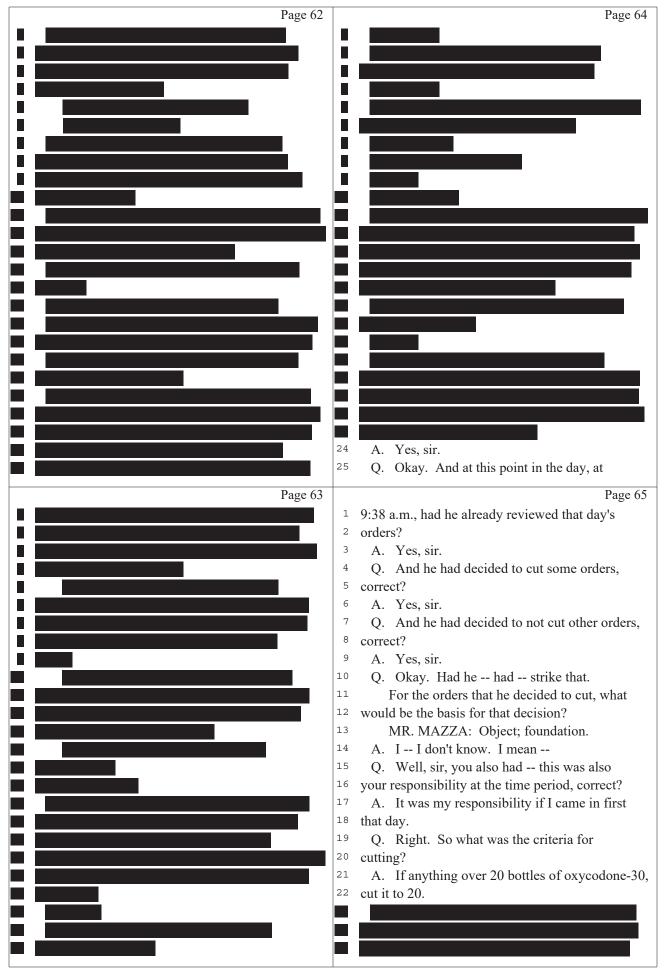








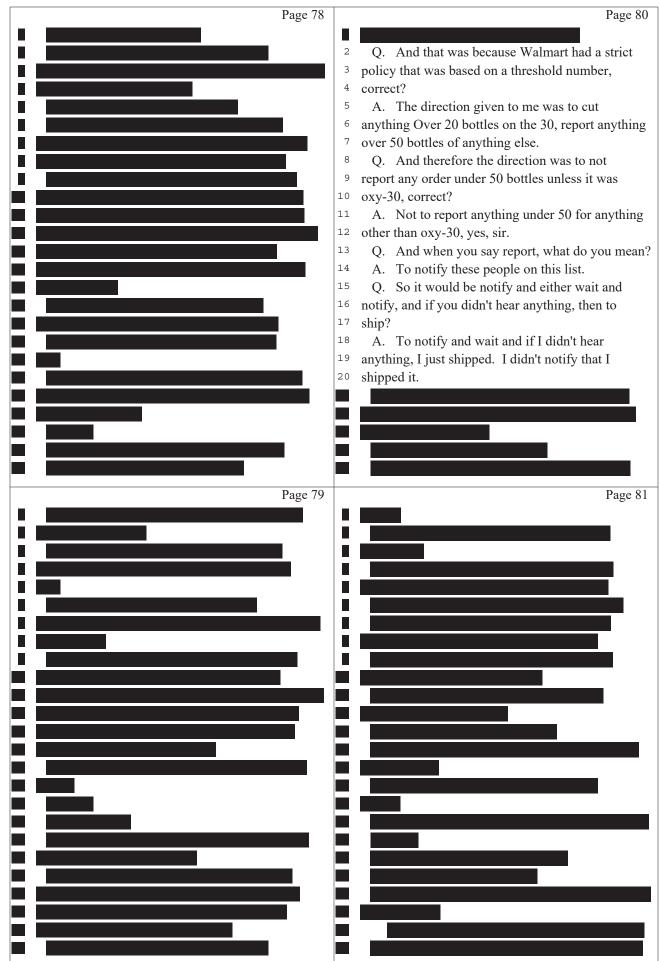






















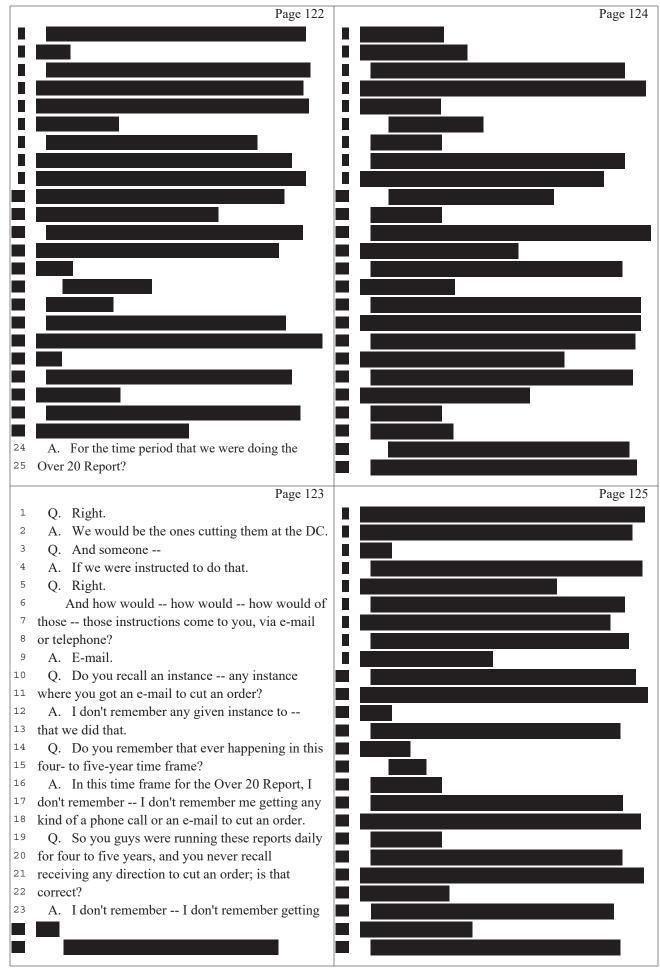


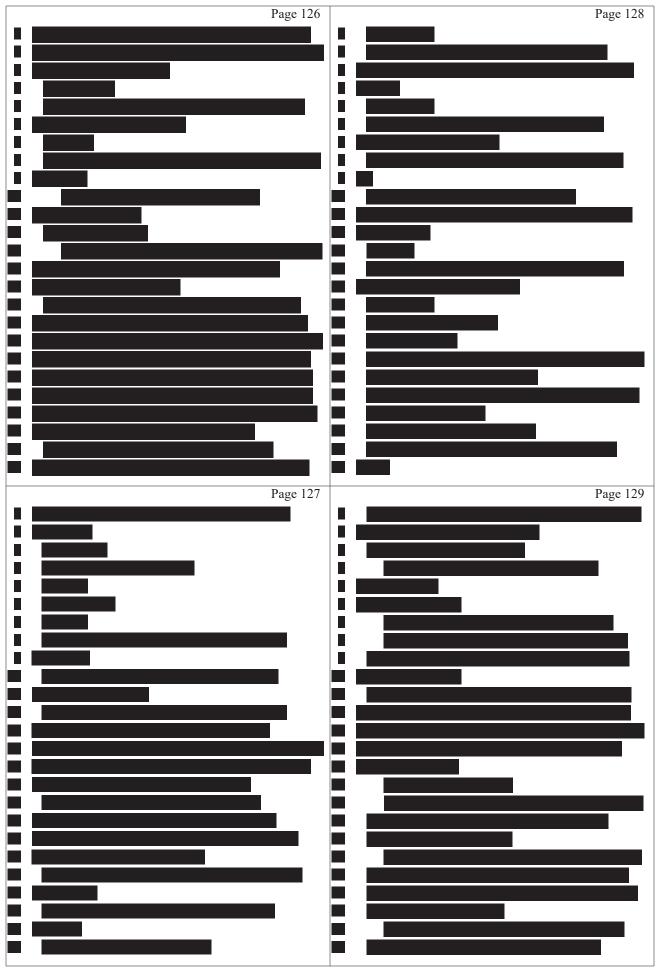


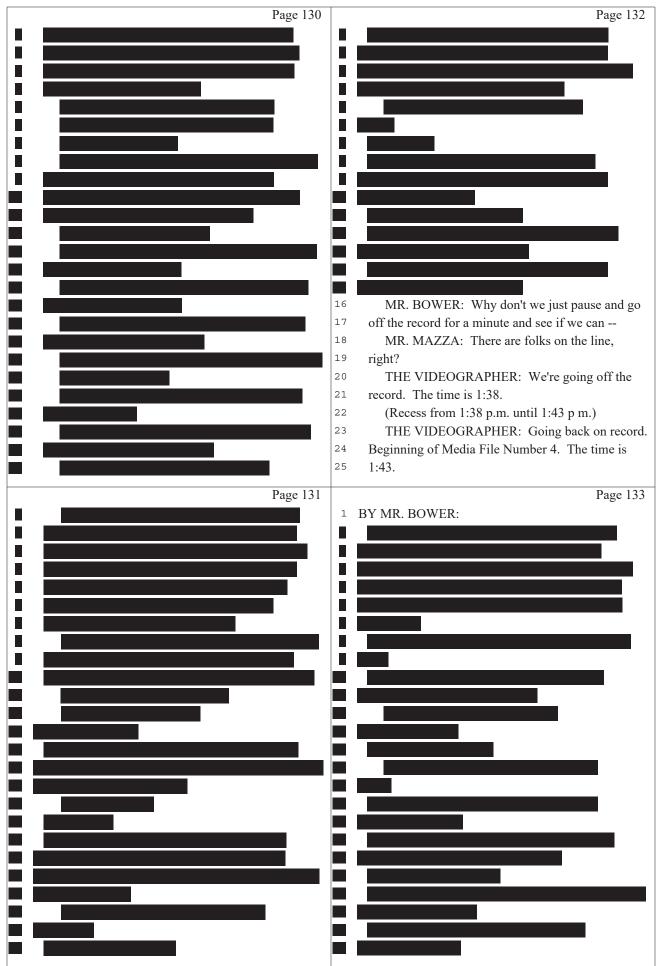














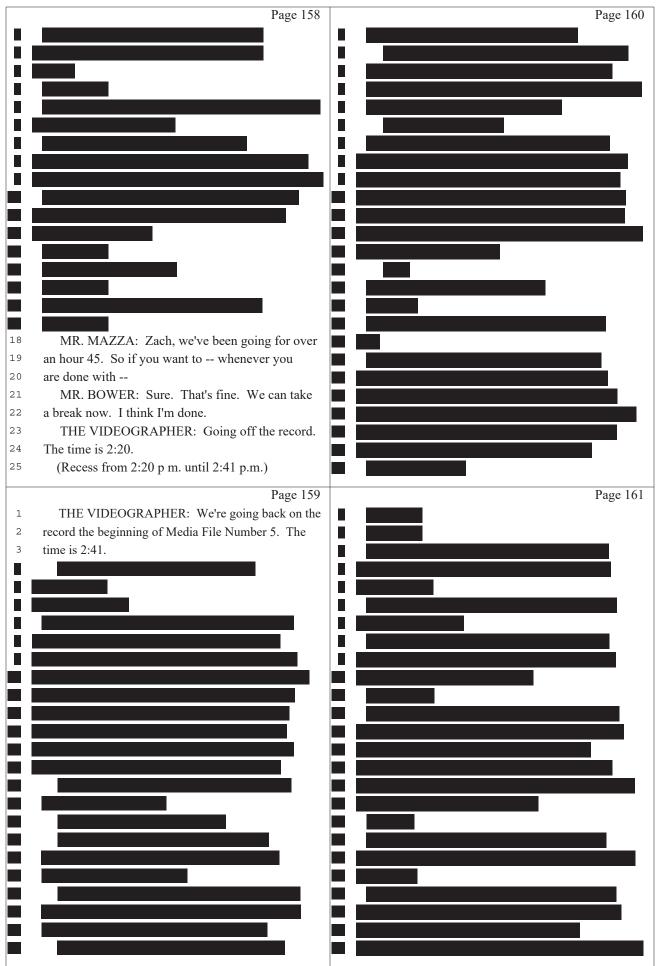








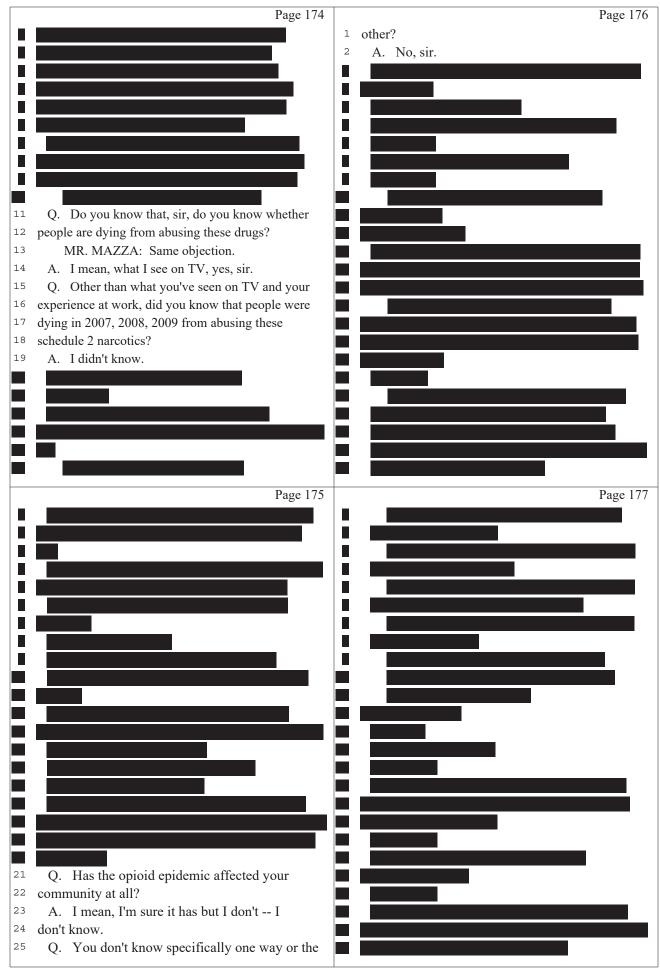












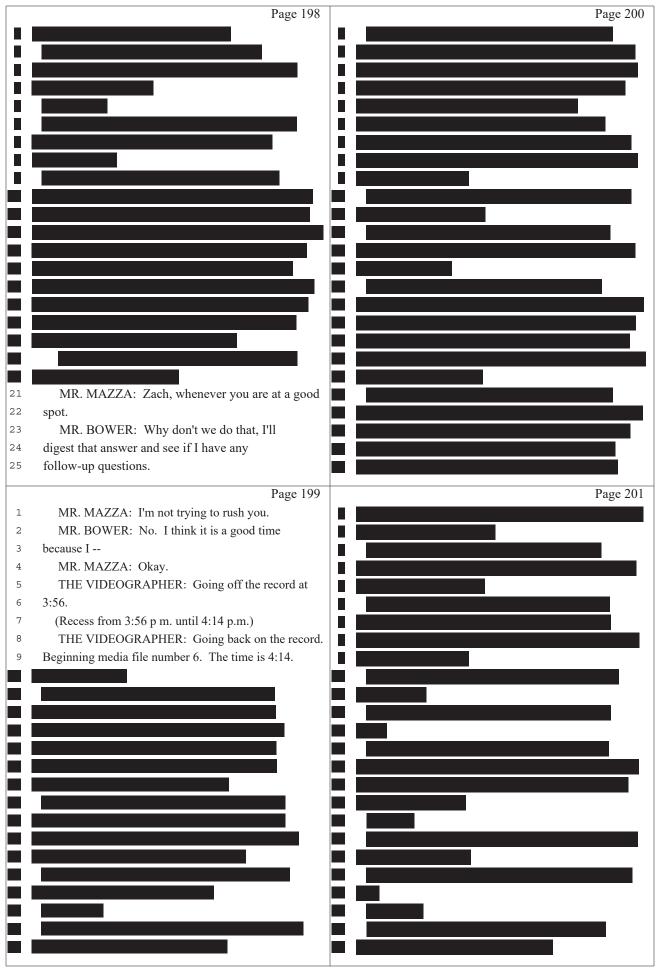






















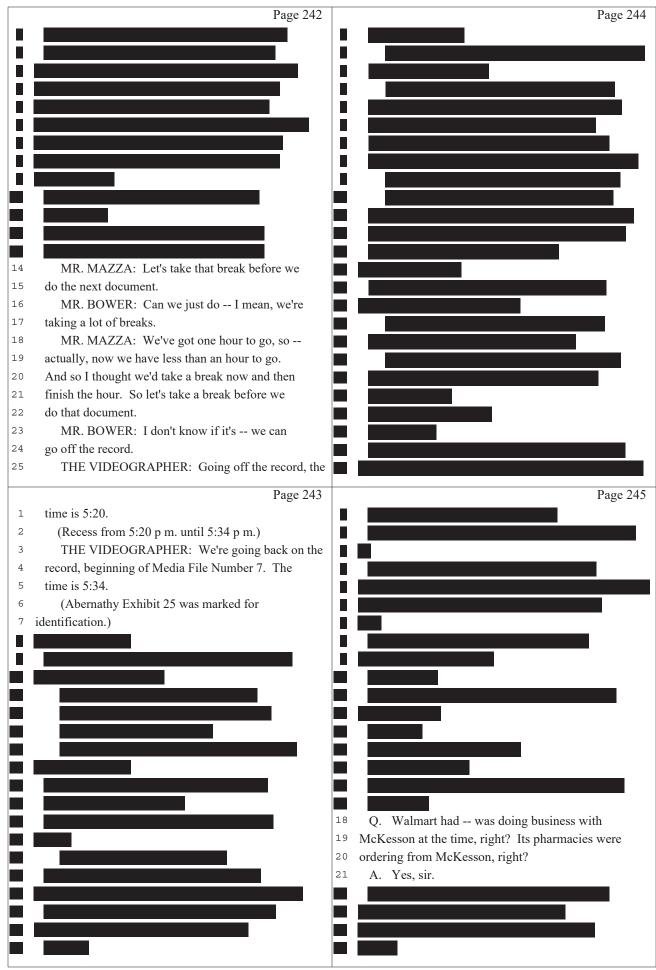






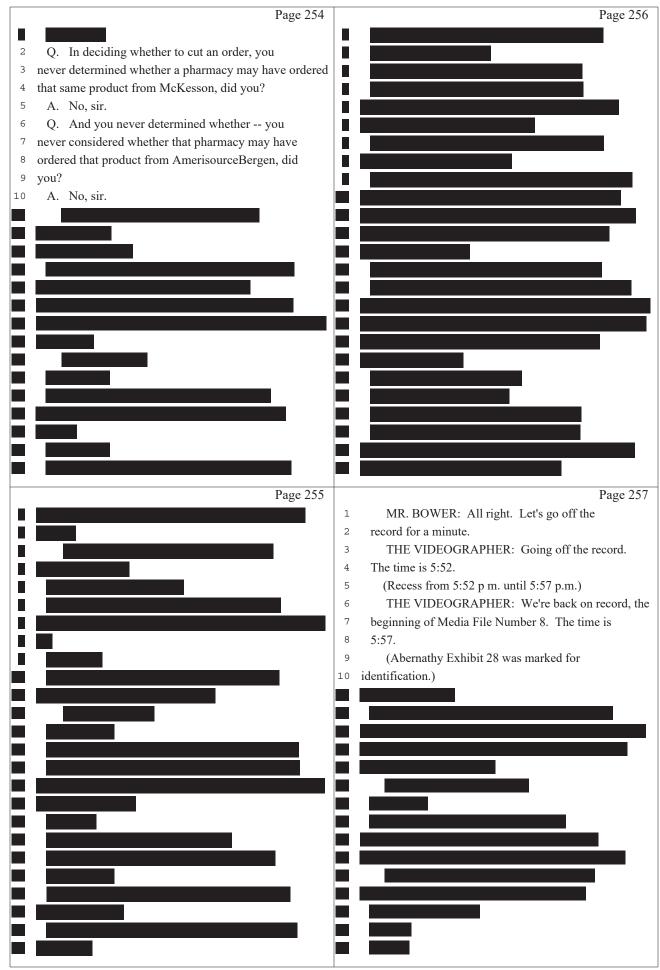






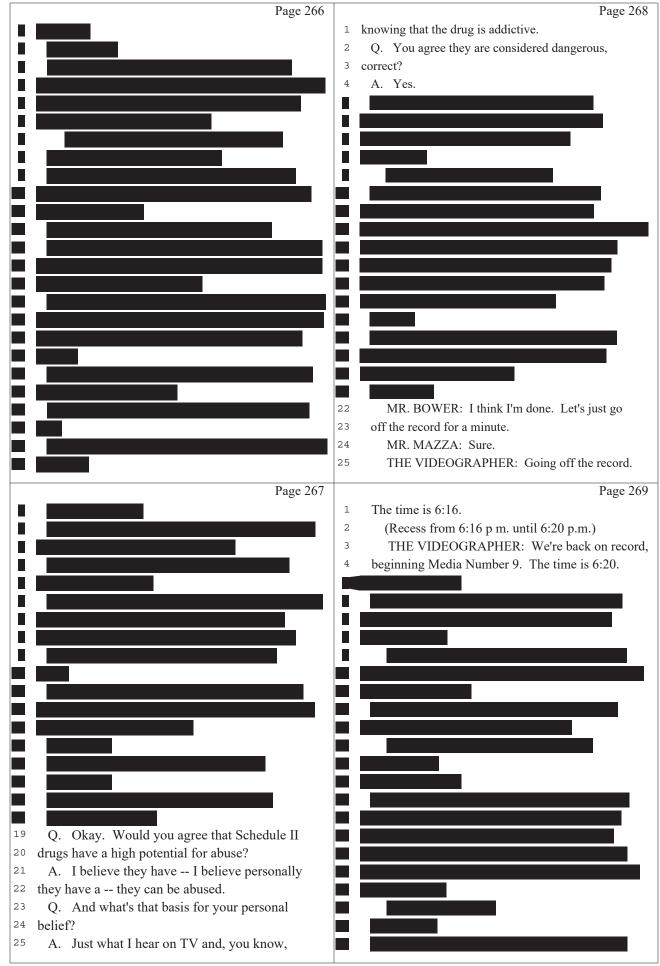




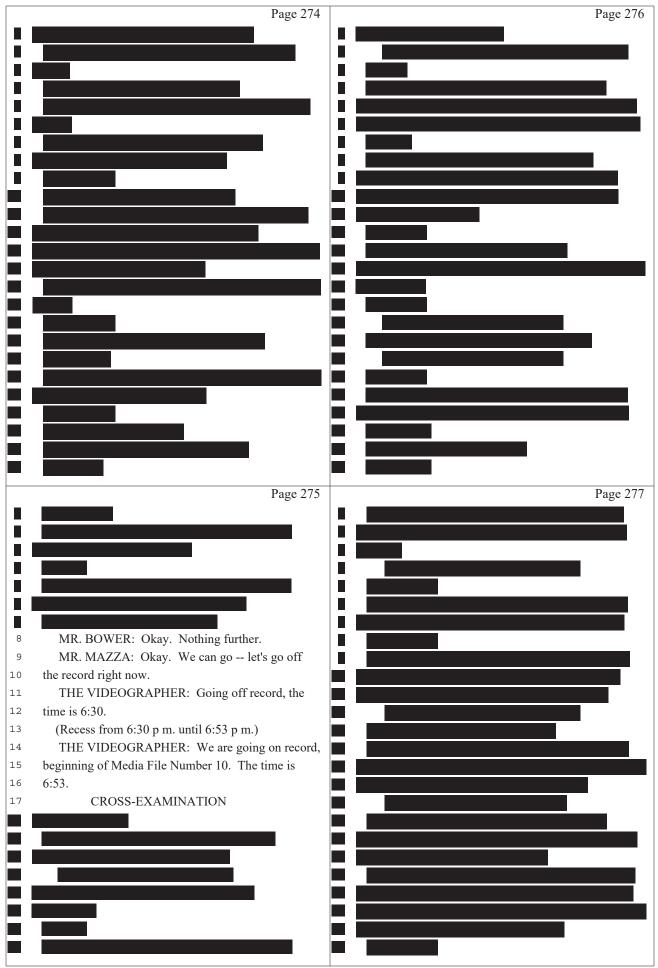


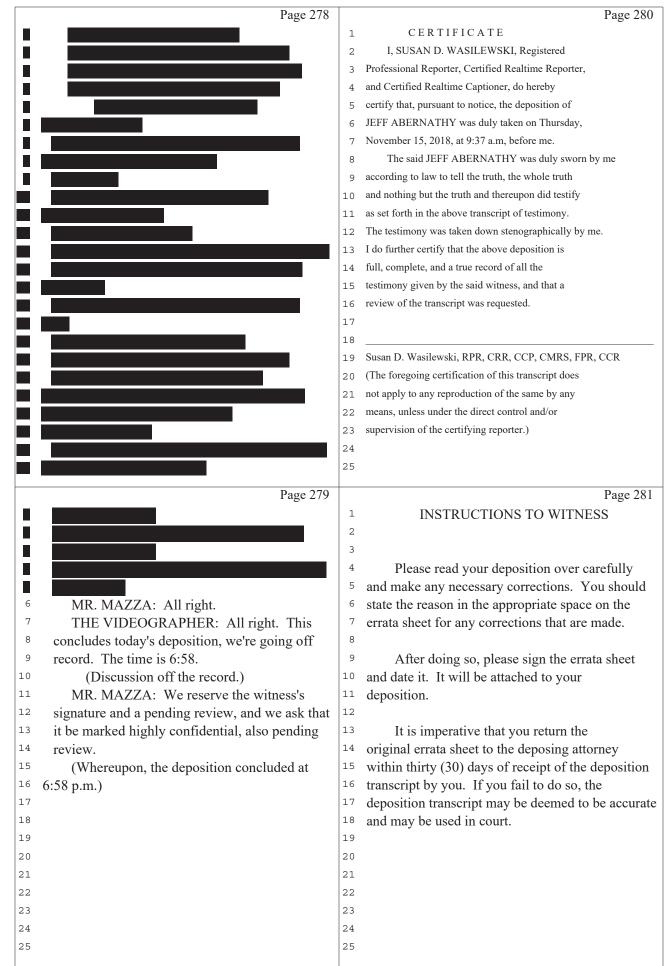












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4	PAGE LINE CHANGE	4			
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1	ACKNOWLEDGMENT OF DEPONENT				
2					
3	I,, do hereby				
4	acknowledge that I have read the foregoing pages, 1				
	through 283, and that the same is a correct				
	transcription of the answers given by me to the				
7	questions therein propounded, except for the				
8	corrections or changes in form or substance, if any,				
9	noted in the attached Errata Sheet.				
10					
11					
12					
13	JEFF ABERNATHY DATE				
14					
15					
16					
17					
18	Subscribed and sworn to before me this				
19	day of, 20				
20	My Commission expires:				
21					
22					
23	Notary Public				
24					
25					
1		1			